IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Bhanwar Lal. Versus State of Rajasthan & Anr.

S.B. Criminal Misc. Petition No. 807/2006 against the order dated 10-3-2006 passed by the Sessions Judge, Churu, in Criminal Revision No.26/2004.

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Date of Order: September 20, 2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. N.S. Rajpurohit, for the petitioner.
Mr. Ashok Upadhyaya, Public Prosecutor for the State.
Mr. Sandeep Mehta, for the non-petitioner No.2.

BY THE COURT:

By the instant criminal miscellaneous petition under Section 482 of the Code of Criminal Procedure, 1973 (for short, "the Code" hereinafter), the petitioner has assailed the order dated 10-3-2006 passed by the Sessions Judge, Churu (for short, "the Revisional Court" hereinafter) in Criminal Revision No.26/2004, whereby the Revisional Court dismissed the revision petition filed by the petitioner against the order dated 9-2-2004 passed by the Chief Judicial Magistrate, Churu (for short, "the trial Court" hereinafter).

Petitioner-complainant lodged an FIR with the Police

Station, Kotwali Churu, alleging therein that the accused persons broke opened the locks of his house and took away the goods. The police, after investigation, filed Challan against accused Satya Narain, Ramesh, Kailash, Mahesh and Nand Kishore alias Naniya. Before the trial Court, the petitioner-complainant filed an application under Section 319 of the Code for taking cognizance against non-petitioner No.2 Smt. Geeta Devi. That application stood dismissed by the trial Court vide order dated 9-2-2004. The petitioner filed a revision petition before the Revisional Court, which has been dismissed vide impugned order dated 10-3-2006.

I have heard learned counsel for the parties. Perused the orders passed by the trial Court as well as the Revisional Court.

The trial Court dismissed the application filed by the petitioner under Section 319 of the Code on the ground, firstly that from the statements of seven witnesses produced by the petitioner, no case for taking cognizance against non-petitioner No.2 Smt. Geeta Devi is made out; and secondly, such an application cannot be filed by the private person and the same can be filed by the Public Prosecutor. By the well-reasoned order, the trial Court dismissed the application under Section 319 and the Revisional Court dismissed the revision petition and affirmed the findings given by the trial Court.

On perusal of the orders passed by the trial Court and the Revisional Court, I do not find any error or illegality in the orders impugned, which may require interference by this Court under its inherent powers.

The criminal miscellaneous petition is, therefore, dismissed.

(H.R. PANWAR), J.

mcs